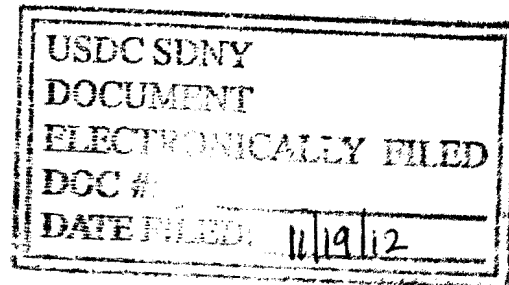


Lewis | Baach pllc

November 19, 2012

VIA FACSIMILE (212) 805-7941

Honorable Loretta A. Preska
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007-1312



**Re: Certain Underwriters at Lloyd's, London, v. Illinois Nat'l Ins. Co.,
No. 09-cv-04418(LAP)**

Dear Judge Preska:

We write on behalf of plaintiffs in response to the Court's Order endorsed on a Notice of Dismissal we filed on November 13, 2012 in the above-referenced matter. A copy of the endorsed Notice is enclosed for your convenience.

The Court ordered the Clerk to "mark this action closed and all pending cases denied as moot." We respectfully submit that the Court erred in making the foregoing Order because the Notice was limited to one defendant, Great American Assurance Company ("Great American"). The Notice was not intended to dismiss claims against any other defendant.

By way of background, on September 25, 2012, the Court granted plaintiffs' motion for leave to file an amended complaint curing certain jurisdictional defects. Plaintiffs did so on October 22, 2012. The amended complaint refers to Great American as a defendant even though Great American was previously dismissed with prejudice (Doc. 180, filed January 25, 2011). Great American requested that we file a second dismissal. We accommodated that request by filing the subject Notice.

Insofar as Great American had not answered the amended complaint, we noticed the dismissal under Fed. R. Civ. P. 41(a)(1)(A)(i) (*i.e.*, without court order). We did not anticipate the need for any court order and apologize for any confusion we may have caused.

Based upon the foregoing, we respectfully request that the Court vacate the Order that is endorsed to the Notice and direct the Clerk to accept the Notice pursuant to Rule 41(a)(1)(A)(i). Alternatively, if the dismissal requires Court approval, we respectfully request that the Court's Order be limited to Great American, as set forth in the Notice.

Handwritten signature of Loretta A. Preska in black ink.

Respectfully submitted,

Handwritten signature of Jack B. Gordon in black ink.
Jack B. Gordon
(JG 7055)

cc: Counsel of Record

lewisbaach.com

1201 F Street, NW, Suite 500 | Washington, DC 20004 | t 202 833 8900 | f 202 466 5738

WASHINGTON NEW YORK LONDON BUENOS AIRES



Prosko, J.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CERTAIN UNDERWRITERS AT LLOYD'S,
LONDON, et. al.,

Plaintiffs,

vs.

ILLINOIS NATIONAL INSURANCE COMPANY,
et. al.,

Defendants.

Docket No.: 09-CV-04418 (LAP)
ECF CASE

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 11/19/12

NOTICE OF DISMISSAL

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), plaintiffs dismiss Great American Assurance

Company with prejudice.

Dated: November 13, 2012

LIPSIUS BENHAIM LAW, LLP

By:

Ira S. Lipsius
Ira S. Lipsius (ISL5704)
80-02 Kew Gardens Road
Kew Gardens, NY 11415
Telephone: 212-981-8442
Email: ira@lipsiuslaw.com

LEWIS BAACH PLLC

By:

[Signature]
Martin R. Baach (pro hac vice)
Jack B. Gordon (JG7055)
1201 F Street NW
Washington DC 20004
Telephone: 202-659-7975
E Mail: jack.gordon@lewisbaach.com

Attorneys for Plaintiffs

The clerk of the court shall mark this action closed and all pending cases deemed as moot.

SO ORDERED.

[Signature]
U.S.D.J.

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